

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EDWIN C. MARTIN, JR., et al.,	)	
	)	
Plaintiffs,	)	
	)	Cause No. 4 05CV01857 AGF
vs.	)	
	)	
	)	
JAMES P. HOLLORAN, P.C., et al.,	)	
	)	
Defendants.	)	

MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER

COMES NOW Homer E. Farrar, by and through his attorneys, Bartholomew J. Baumstark, Andrew O'Brien and the O'Brien Law Firm, and hereby submits this Memorandum of Law in support of Mr. Farrar's Motion for a Protective Order in relation to discovery outstanding in the instant case.

It has come to the attention of Mr. Farrar, by and through his attorneys, that the attorneys for Plaintiff, Edwin C. Martin, Jr., are serving subpoenas on numerous asbestos bankruptcy trusts, law firms and individuals wherein they request confidential and privileged information pertaining to Mr. Farrar, said subpoenas revealing highly sensitive personal information of Mr. Farrar's, such as his social security number, in search of certain information.

By way of example, counsel for Plaintiff issued a subpoena directed to the Combustion Engineering Trust dated March 19, 2010. This subpoena requests information from this Trust and identifies Mr. Farrar by name and lists his social security number. Additionally, it requests

any information that the Trust may have in relation to Mr. Farrar. This subpoena is not limited in time or scope, nor is it limited to the nature of the disease that formed the basis for the Holloran Law Firm's representation of Mr. Farrar in the 1990's.

Upon information and belief, undersigned counsel states that similar subpoenas are being issued to attorneys and other third parties similarly revealing and requesting sensitive and protected information of Mr. Farrar.

Mr. Farrar was diagnosed with asbestosis through a screening in 1988 and was represented for that disease by the Holloran Law Firm. It is reasonable that any discovery by way of subpoena concerning the dispute in the instant action should relate to representation of Mr. Farrar for that disease and that disease only.

In June, 2008, Mr. Farrar was diagnosed with a primary lung cancer, a life threatening disease. At that time, Mr. Farrar retained the O'Brien Law Firm to investigate whether or not a claim for compensation could be made for this new, legally separate and distinct disease.

The O'Brien Law Firm was retained by Mr. Farrar to pursue such a claim and did so beginning on or about September 26, 2008. Any and all actions taken by the O'Brien Law Firm in that cause of action relate solely to his disease of lung cancer and any and all compensation obtained by the O'Brien Law Firm for Mr. Farrar relates to compensation received on his behalf for his diagnosis of the disease of lung cancer. The O'Brien Law Firm has no co-counsel relationship with Plaintiff or the Holloran Law Firm in relation to this cause of action and has no fee sharing arrangements with either such party. The O'Brien Law Firm is an independent

law firm representing Mr. Farrar.

WHEREFORE, for the reasons discussed above, Mr. Farrar and undersigned counsel pray that this honorable Court enter an Order requiring the litigants in this civil litigation to limit any discovery by time, scope and disease as discussed above. Furthermore, Mr. Farrar and undersigned counsel pray that this honorable Court enter an Order preventing Plaintiff and Plaintiff's counsel from furnishing or providing highly sensitive personal information such as the social security number of Mr. Farrar, and any other similarly situated individual, in pursuit of discovery in the instant action, and for any other relief deemed appropriate by the Court.

Respectfully Submitted,

s/ BARTHOLOMEW J. BAUMSTARK

Bar No. 103643

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CERTIFICATE OF SERVICE

Bartholomew J. Baumstark hereby states and certifies that this document was served upon all counsel of record in this case by way of the United States District Court's electronic case filing system on this 6<sup>th</sup> day of April, 2010.

s/ BARTHOLOMEW J. BAUMSTARK

Bar No. 103643